

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FELIPE POLANCO DIAZ,
Plaintiff,
v.
LYNCH, et al.,
Defendants.

No. 2:21-cv-00916 KJM CSK P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 17, 2024, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis. The court considered plaintiff's objections and found they do not clearly address the magistrate judge's findings and recommendations nor show plaintiff is entitled to injunctive relief.

1 However, the court notes plaintiff is not precluded from seeking a preliminary injunction in the
2 future. In any future motion for a preliminary injunction, plaintiff must clearly “establish that he
3 is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of
4 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the
5 public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations, ECF No. 51, are adopted in full;
8 2. Plaintiff’s motion for injunctive relief, ECF No. 43, is denied as moot; and
9 3. This matter is referred back to the assigned magistrate judge for all further pretrial
10 proceedings.

11 DATED: August 23, 2024.

12
13 
14 _____
15 CHIEF UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28